

muster into service minute men," approved November 25, 1871, approved June 2, 1873, and all other laws and parts of laws heretofore enacted on the same subject, be and the same are hereby repealed.

Sec. 32. The Governor and Adjutant-General are hereby authorized and empowered to make all the additional regulations not contrary to the laws of this State, which are necessary to carry out the provisions of this act.

Sec. 33. That this act take effect and be in force from and after its passage.

On motion of Senator Culberson, the Senate adjourned.

SIXTY-SEVENTH DAY.

SENATE CHAMBER, }
Austin, April 8, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

On motion of Senator Culberson, Senator Baker was excused until Monday next.

On motion of Senator Shepard, Senator Ireland was excused until Monday next.

By leave, Senator Davenport presented a petition from citizens of Bell county, asking that the Belton and Hearne Railroad Company be granted a subsidy of land. Read and referred to committee on Internal Improvements.

Senator Ball presented a petition from citizens of Marshall, asking reduction of city limits. Read and referred to Committee on State Affairs.

Report of the Committee on Private Land Claims:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 153, "An Act to provide for the remission of forfeitures accrued against parties during their service in the army of the Republic," have considered the same, and as they find that it involves a legal question about forfeitures, instruct me to report it back and recommend that it be referred to the Committee on Judiciary.

G. B. ERATH, Chairman.

The report of the committee was adopted, and the bill referred to the Judiciary Committee.

Report from the committee on Claims and Accounts:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred the petition of Mrs. Clemence Toby, "In regard to the claim of her husband, Thomas Toby, as agent for the Republic of Texas, in New Orleans, during the Revolution," have carefully considered the same, and instruct me to report it back with the recommendation that it be not granted, as it seems to the committee that said agent was sufficiently paid for his services; and if not, after this long lapse of time, it is impossible to get all the facts sufficiently to justify an appropriation; and the committee further think that, if said claim had been meritorious, that it would have been fully discharged years ago, when the facts were fresh and the State had means plenty to liquidate all her just claims, without a general law, is barred by the constitution.

SWIFT, Chairman.

Report from the Committee on Contingent Expenses:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Contingent Expenses, to whom was referred Senate bill No. 339, "An Act to make an appropriation to pay the contingent expenses of the Fourteenth Legislature," have examined the same, and instruct me to report the bill back and recommend that it do pass.

H. LEDBETTER, Chairman.

Senator Ledbetter, chairman Committee on Contingent Expenses, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Contingent Expenses, to whom was referred "Resolution instructing them to inquire whether some of the employees of the Senate may not be dispensed with," ask leave to report that they are of the opinion that two pages and two porters are sufficient for the use of the Senate; and your committee recommend that the sergeant-at-arms be instructed to discharge one porter, and that L. H. Fitzhugh (page) be discharged, because the two other pages are orphans; and that the assistant doorkeeper be

(when not engaged in the discharge of the duties of his office) subject to the orders of the sergeant-at arms, to do such other duties as may be required of him.

All of which is respectfully submitted.

LEDBETTER, Chairman.

Adopted unanimously.

Senator Friend, for Committee on Engrossed Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 110, "An Act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," and find the same correctly engrossed.

FRIEND, Chairman.

Report from the Committee on State Affairs :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on State Affairs, to whom was referred Senate Bill No. 301, "An Act to fix the salary of the Adjutant-General," have considered the same, and recommend its passage, with the accompanying amendment.

STIRMAN, Chairman.

Amendment: Strike out the words "two thousand," in fifth line, of first section, and insert the words "ten thousand five hundred" instead.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on State Affairs, to whom was referred Senate bill No. 324, "An Act to attach the County of La Salle to Nueces land district," having considered the same, instruct me to report the said bill back to your honorable body, and recommend its passage.

STIRMAN, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on State Affairs, to whom was referred Senate bill No. 335, "An Act to provide for the safe keeping of the State House library," etc., have considered the same, and instruct me to report the said bill back to your honorable body, with the recommendation that it do pass.

STIRMAN, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 358, "An Act authorizing the Governor of the State to make cession and title to the United States of submarine sites for lighthouses and other aids to navigation," have considered the same, and instruct me to report it back to your body, and recommend its passage.

STIRMAN, Chairman.

The President appointed Senator Friend, in place of Senator Ireland, who was absent, on the Committee of Conference between the two Houses, on the disagreement of same, on the bill "re-districting the State of Texas into congressional districts."

Senator Trolinger, chairman Senate Committee on Conference, on the disagreement between the two Houses, on Senate bill No. 61, "An act amendatory of 'An act authorizing the disposition and sale of the University lands,'" approved August 30, 1856, approved November 12, 1866, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee of Conference, to whom was referred the subject of the difference of the two Houses on Senate bill No. 61, "An act amendatory of 'An act authorizing the disposition and sale of University lands,'" approved August 30, 1856, approved November 12, 1866, have considered the same and ask leave to submit the following report, and recommend its adoption, to-wit: That the House recede from its amendment to section seven, fixing the minimum of all sales at "three dollars" per acre, and that the Senate concur in all other amendments by the House.

W. H. TROLINGER,
Chairman Senate Committee.

G. B. REEVES,
Chairman House Committee.

Senator Parker, chairman Committee on Roads, Bridges and Ferries, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your special Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 250, "An act to regu-

late public roads," have considered the same and recommend its passage.

PARKER, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your special committee to whom was referred Senate bill No. 233, entitled "An act to provide for opening, repairing and maintaining public roads and highways," have carefully considered the same, and instruct me to report said bill back with the accompanying amendments, and recommend that the same do pass, as amended. Your committee state that they believe it to be the best system that can now be devised on the subject of public roads, and they further believe that said bill will be entirely satisfactory to the people. They further state that Senate bill No. 232, entitled "An act to authorize county courts to build bridges," etc., submitted in connection with the first named bill, do not pass. All of which is respectfully submitted.

PARKER, Chairman.

Amendments to bill No. 233:

First. In the third line of the first section, strike out the word "twelve" and insert, instead thereof, the word "eight."

Second. Add section — It shall be the duty of the overseer to put up at the forks of all public roads, in their respective districts, guide or finger boards, on which shall be stated, in legible letters, the name of the town, ferry or place in the direction of which said road or roads lead, with the distance to same in figures. Each overseer shall measure and post the public roads of his district, that is to say, all of the roads leading to the county seat of the county. In order to do this properly, the overseer of the district including the county seat, shall first post all of the public roads leading from the courthouse to the limits of his district, and the other overseers shall continue such posting and measurement of such roads through their respective districts to the county line. Posts shall be set up at each mile, on which shall be painted, in figures, the distance from the courthouse.

A message was received from House announcing the passage of the following bills:

House bill No. 351, "An Act to amend the fourth section of an act entitled 'An act to amend and supplemental to an act to provide for the incorporation of towns and cities,'" approved May 20, 1873.

House bill No. 403, "An Act to change the judicial relations of Angelina and Houston counties, and to provide the times for holding the courts to suit this change of relations."

House bill No. 48, "An Act to reorganize Young county."

House bill No. 70, "An Act to repeal an act to authorize counties, cities and towns to aid in the construction of railroads."

House bill No. 43, "An Act to change a portion of the western boundary line of San Patricio county."

House bill No. 19, "An Act to aid in the recovery of stolen property."

House bill No. 89, "An Act to adjust and define the western boundary line of San Jacinto county."

House bill No. 182, "An Act to dedicate to the use of Travis county, certain land in the city of Austin, on which to erect a court house and jail, and to enable said county to build the same."

House bill No. 252, "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mexican prisoners; the survivors of the company of Captain Dawson, who was massacred near San Antonio in the year 1842, the survivors of those who were captured at the city of San Antonio in the fall of the year 1842, and taken to the castle of Perote and confined therein; and the survivors of Deaf Smith's spy company, and to provide for the liquidation and settlement of all arrearages due said veterans, under an act of the thirteenth August, 1870, previous to the first of July, 1874."

Also Senate bill No. 30, "An Act concerning landlords and tenants," with amendments by the House.

Senate bill No. 33, "An Act to authorize a change of venue in civil cases," with amendments by the House.

Senate bill No. 120, "An Act to create and provide for the organization of the county of Camp." Also that the House had adopted the report of Conference Committee on House bill No. 128, "To provide for the protection of the frontier."

Report from the special committee on Senate joint resolution, No. 255 :

Hon. R. B. Hubbard, President of the Senate :

The special committee to whom was referred Senate joint resolution, No. 255, awarding Winchester rifles to certain

persons, have had the same under consideration, and instruct me to report the following substitute, and recommend that the substitute pass.

WESTFALL, Chairman.

The title of the substitute referred to is, "Senate joint resolution awarding Winchester rifles to certain persons."

By leave Senator Wood introduced a bill, entitled "An Act for the relief of H. Griffith, his heirs or assignees." Read first time and referred to Committee on Private Land Claims.

By leave Senator Morris introduced a bill entitled "An Act to define and regulate *per diem* and mileage of members of the Legislature." Read first time and referred to Committee on State Affairs.

Senator Westfall, for Committee on Enrolled Bills, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 332, "An Act to further regulate proceedings in the Supreme Court," and Senate bill No. 323, "An Act to regulate the right of suffrage in the corporated towns and cities in the State of Texas," and find the same carefully enrolled, and have this third day of April, 1874, at 9:40 A. M., presented the same to the Governor for his approval.

WESTFALL, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 59, "An Act to authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expense of the same," and find the same correctly enrolled, and have this second day of April, 1874, at 12:45 P. M. presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

On motion of Senator Trolinger, the rules were suspended to take up the report of free conference on Senate bill No. 64, "An Act amendatory of an act supplementary to an act authorizing the disposition and sale of the University

lands," approved August 30, 1856; approved November 12, 1866.

Report of the Conference Committee adopted.

House bill No. 140, "An Act to punish the taking or destruction of certain products of the farm, garden, vineyard and orchards of this State," was taken up, together with the Senate amendment thereto.

On motion of Senator Allison, the Senate receded from its amendment.

On motion of Senator Wood, the rules were suspended to take up Senate bill No. 30, "An Act concerning landlords and tenants," together with House amendments thereto.

On motion of Senator Wood, the House amendments were concurred in by the following vote :

YEAS—Senators Allison, Ball, Bradshaw, Camp, Culberson, Dwyer, Ellis, Erath, Friend, Ledbetter, Morris, Moore, Parker, Joseph, Shepard, Stirman, Swift, Trolinger, Westfall and Wood—20.

NAYS—Senators Burton and Flanagan—2.

On motion of Senator Allison, the rules were suspended to take up Senate bill No. 250, "An Act to regulate public roads." Bill taken up and read second time.

Senator Ledbetter offered the following amendment :

"Amend by inserting the word "forty" in place of the word "sixty," wherever it occurs; and the word "thirty" wherever the word "forty" occurs." Adopted.

Senator Culberson offered the following amendment :

Add to the end of section first the following words : "Provided, that, the police court of the respective counties may, if they deem it proper, and to the interest of the citizens of the county, direct the width of first-class roads to be sixty feet, or any part thereof." Adopted.

The bill, as amended, was then ordered engrossed.

On motion of Senator Wood, the rules were suspended, bill read third time and passed.

By leave, Senator Shepard introduced a bill entitled "An Act to carry into effect section twenty-nine of article five of the Constitution, by defining the offenses of nonfeasance, misfeasance and malfeasance in office, and providing penalties therefor." Read first time and referred to Judiciary Committee.

A message from the House was received announcing the passage of the following bills :

House bill No. 385, "An Act to limit the power of taxation in cities and towns whose population does not exceed fifteen thousand."

House bill No. 415, "An Act to prevent the leaving of dead animals in any of the public highways, roads, streets or alleys in this State."

House bill No. 185, "An Act to amend sections two, four, six, twelve and fifteen of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,'" approved August 13, 1870.

House bill No. 391, "An Act to regulate election of aldermen in incorporated cities in this State."

House bill No. 422, "An Act repealing an act entitled 'an act to incorporate the town of Granbury, in Hood county, State of Texas.'"

House bill No. 334, "An Act amendatory of an act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces," passed July 26, 1870.

House bill No. 382, "An Act to provide for the payment of Lieutenant J. M. Elkins' company of minute men organized in Coleman county."

House bill No. 426, "An act to change and better define the north boundary line of San Patricio county."

House bill No. 387, "An act to provide for the sale of land granted to the Deaf and Dumb, the Lunatic and Blind Asylums."

Also, that the House had passed Senate bill No. 17, "An Act making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature of the State of Texas."

Senator Culberson offered the following resolution :

Resolved, That the resolution heretofore adopted, forbidding the introduction of new business, be rescinded. Read and laid over under the rules.

On motion of Senator Westfall, the rules were suspended to take up House bill No. 415, "An Act to prevent the leaving of dead animals in any of the public highways, roads, streets or alleys in this State." Bill taken up and read first time. Rules suspended, and bill read second time.

Senator Westfall offered the following amendment :

"Amend section first by inserting after the word 'State,'

in eighth line, the words 'or within fifty yards of any of them.' " Adopted.

Senator Shepard offered the following amendment :

"That this act shall take effect within sixty days from and after its passage." Lost.

Senator Shepard offered the following amendment :

"Amend section one by inserting the word 'dog' after the word 'cow.'" Lost.

The bill as amended then passed to third reading.

On motion of Senator Westfall, the rules were suspended, bill read third time and passed.

On motion of Senator Shepard, Senator Ball was excused for the remainder of the day.

On motion of Senator Culberson, the rules were suspended to take up House bills to be considered. Carried.

House bill No. 43, "An Act to change a portion of the western boundary line of San Patricio county." Read first time and referred to the committee on Counties and County Boundaries.

House bill No. 48, "An Act to reorganize Young county." Read first time and referred to Judiciary Committee.

House bill No. 19, "An Act to aid in recovering stolen property." Read first time and referred to Judiciary Committee.

House bill No. 89, "An Act to adjust and define the western boundary line of San Jacinto." Read first time and ordered to lie on the table.

House bill No. 70, "An Act to repeal an act to authorize counties, cities and towns to aid in the construction of railroads." Read first time and referred to Internal Improvement Committee.

House bill No. 182, "An Act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a courthouse and jail, and to enable said county to build the same." Read first time and referred to Judiciary Committee.

House bill No. 252, "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Meir prisoners, the survivors of the company of Captain Dawson, who was massacred near San Antonio, in the year 1842, the survivors of those who were captured at the city of San Antonio, in the fall of the year 1842, and taken to the Castle of

Perote and confined therein, and the survivors of Deaf Smith's Spy Company, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of the thirteenth of August, 1870, previous to the first of July, 1874." Read first time, and made special order for Tuesday next, at 11 A. M., and from day to day till disposed of.

On motion of Senator Westfall, the rules were suspended to take up House Joint Resolution, No. 22, "Authorizing the Governor to settle the claims of George W. Paschal." Bill taken up, read second time, and passed to third reading. Rules were further suspended, bill read third time, and passed by the following vote:

YEAS—Senators Ball, Burton, Camp, Culberson, Davenport, Dwyer, Ellis, Erath, Flanagan, Joseph, Ledbetter, Moore, Parker, Shepard, Stirman, Swift, Trolinger, Westfall and Wood—19.

NAYS—Senators Bradshaw and Friend—2.

On motion of Senator Culberson, the rules were suspended to take up House bill No. 351, "An Act to amend the fourth section of an act entitled 'An Act to amend and supplemental to an act to provide for the incorporation of towns and cities,' approved May 26, 1873. Bill taken up, and read first time. Rules suspended, bill read second time, and passed to third reading.

On motion of Senator Davenport, the rules were further suspended, bill read third time and passed.

On motion of Senator Dwyer, the rules were suspended, to take up Senate bill No. 316, "An Act to make an appropriation for salary of two associate justices of the Supreme Court."

Bill taken up and read second time.

Senator Swift offered the following amendment: Amend by striking out "three thousand," and inserting "five thousand and five hundred dollars." Adopted.

Rules suspended, bill read third time, and passed by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Burton, Camp, Culberson, Davenport, Dwyer, Ellis, Flanagan, Friend, Joseph, Ledbetter, Morris, Moore, Parker, Shepard, Stirman, Swift, Trolinger, Westfall and Wood—22.

NAYS—None.

On motion of Senator Ball, the rules were suspended to take up House bill No. 403, "An Act to change the ju-

dicial relations of Angelina and Houston counties, and to provide the time for holding the courts to suit this change of relations." Bill taken up and read second time.

Senator Swift moved that the bill be referred to the Judiciary Committee. Lost.

On motion of Senator Ball, the bill was referred to the Judiciary Committee.

On motion of Senator Burton, the rules were suspended to take up Senate bill No. 205, "An Act to attach the county of Waller to the Thirteenth Senatorial District." Bill read first time; bill read second time and ordered engrossed; read third time and passed.

By leave, Senator Flanagan introduced a bill, entitled "An Act to authorize the Judge of the Sixth Judicial District to hold a special term of the district court in Harrison county." Bill read first time; rules suspended; read second time and ordered engrossed; rules further suspended; bill read third time and passed.

House bill No. 144, "An Act amendatory of an act, entitled, 'An Act to organize and incorporate the Marshall, Texas, and Mansfield Louisiana Railroad Company,'" was taken up, read first time and referred to Internal Improvement Committee.

On motion of Senator Trolinger, the rules were suspended to take up Senate bill No. 245, "An act to amend sections one and four of 'An act to organize and define the powers of the criminal district court of Dallas, McKinney and Sherman,'" passed June 4, 1873. The bill was read second time and ordered engrossed.

On motion of Senator Moore, the rules were suspended, bill read third time and passed.

The special order being the consideration of House bill No. 266, "An act supplemental to 'An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,'" approved April 12, 1871, it was taken up and read second time.

Senator Culberson offered the following amendment: "In section one, strike out the words 'has heretofore been voted.'" Adopted.

The bill, as amended, was then passed to third reading. The bill was then read third time and passed.

On motion of Senator Swift, House Joint Resolution No. 21, "Making an appropriation for printing reports of de-

partments," was taken up, read second time and passed to third reading. The rules were suspended, bill read third time and passed by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Burton, Camp, Culberson, Davenport, Dwyer, Ellis, Flanagan, Joseph, Ledbetter, Morris, Moore, Parker, Shepard, Stirman, Swift, Trolinger, Westfall and Wood—21.

NAYS—None.

Senator Friend, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined Senate bill No. 342, "An act to authorize the judge of the Sixth Judicial District to hold a special term of the district court of Harrison county," and find the same correctly engrossed. Respectfully submitted.

FRIEND, for Committee.

Senate bill No. 233, "An act to provide for opening, repairing and maintaining public roads and highways," was taken up, and, on motion of Senator Davenport, one hundred copies were ordered printed; both of the bill and amendments, made special order for Wednesday next at 11 A. M., and continue as said special order from day to day until disposed of.

On motion of Senator Culberson, the Senate adjourned.

SIXTY-EIGHTH DAY.

SENATE CHAMBER, }
Austin, April 4, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Mr. Stacy, of Austin.

On motion of Senator Westfall, the reading of the journal was dispensed with.

Senator Westfall presented a petition from the county court of Burnet county. Read and referred to Judiciary Committee.

Senator Friend, for Committee on Engrossed Bills, submitted the following report: